## **REMARKS**

Claim 1 has been amended to correct the antecedent basis of the subject matter. Upon entry of this amendment, which is respectfully requested, Claims 1-16 are all the claims pending in the application.

## Response to Claim rejection Under 35 U.S.C. § 112

Claims 1-5 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have reviewed the Examiner's rejection, and made appropriate corrections. Accordingly, withdrawal of the rejection is respectfully requested.

## Response to Rejections under §§ 102/103

Claims 6-16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,846,505 to Saegusa. Applicants respectfully traverse the rejection.

The Examiner asserts that Saeguse discloses that chlorine or hydrogen chloride may also be used as the atmosphere gas. However, Saeguse discloses that "[i]f chlorine or hydrogen chloride is used, a difference of a free energy between the raw material powder and the intended double metal oxide may be a positive value for some raw material powders, and it is very difficult to produce the desired product." See col. 6, lines 14-19 (emphasis added). Thus, Applicants respectfully submit that Saegusa teaches away from using chlorine or hydrogen chloride as the atmosphere gas. Accordingly, Saegusa fails to anticipate or render obvious the present claims, and withdrawal of the rejection is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Saegusa. Applicants respectfully traverse the rejection.

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 10/554,054

Attorney Docket No.: Q89816

The Examiner asserts that the claimed and prior art products are produced by identical or

substantially identical processes, thus, the prior art product inherently possesses the

characteristics of the instantly claimed product. Applicants respectfully disagree.

As discussed above, the presently claimed product is produced by a different process

from that disclosed in Saegusa. Thus, Applicants respectfully submit that Saegusa fails to

disclose or suggest a product that would inherently possess the characteristics of the presently

claimed product. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 6-16 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated

by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent

Application Publication No. 2002/0,064,499 to Uchida. Applicants respectfully traverse the

rejection.

Uchida discloses a method of making perovskite barium titanate comprising the step of

calcining metal salts or the complex metal salt in the presence of a hydrogen halide gas. See,

Claim 1.

In contrast, present Claim 6 recites a method comprising, inter alia, step (2) calcining the

obtained mixture under an atmosphere containing substantially no halogen at a temperature of

not lower than the temperature for generation of barium titanate. Thus, Applicants respectfully

submit that Uchida fails to anticipate or render obvious the present claims. Accordingly,

withdrawal of the rejection is respectfully requested.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over

Uchida. Applicants respectfully traverse the rejection.

6

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 10/554,054

Attorney Docket No.: Q89816

Pallahe Reg. No. 33,725

The Examiner asserts that the claimed and prior art products are produced by identical or

substantially identical processes, thus, the prior art product inherently possesses the

characteristics of the instantly claimed product. Applicants respectfully disagree.

As discussed above, the presently claimed product is produced by a different process

from that disclosed in Uchida. Thus, Applicants respectfully submit that Uchida fails to disclose

or suggest a product that would inherently possess the characteristics of the presently claimed

product. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Registration No. 32,607

SUGHRUE MION, PLLC Telephone: (202) 293-7060

Facsimile: (202) 293-7860

WASHINGTON OFFICE 23373 CUSTOMER NUMBER

Date: April 18, 2008

7